

## **BILL ANALYSIS**

Senate Research Center  
88R19215 KBB-D

H.B. 3813  
By: DeAyala (Perry)  
Finance  
5/8/2023  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The Windham School District workforce includes teachers who previously served Texas students in the public school system. Current law is unclear as to whether the Employees Retirement System has the authority to honor Windham School District employees' years of service and include the employees in the state employee benefits program upon retirement. The district was recently made aware that some retirees who expected to be eligible for health benefits under that program were not because their service while employed by the district was not applied for purposes of satisfying the program's eligibility criteria.

H.B. 3813 seeks to address this ambiguity in the law and make it clear that qualifying Windham School District teachers who dedicate 10 years or more service to teaching men and women incarcerated at prison facilities operated by the Texas Department of Criminal Justice are eligible for health benefits upon retirement under the state employees group benefits program.

H.B. 3813 amends current law relating to eligibility to participate as an annuitant in the state employees group benefits program.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 1551.102, Insurance Code, by adding Subsection (c-2), as follows:

(c-2) Provides that an individual is eligible to participate in the group benefits program as provided by Subsection (a) (relating to providing that an individual who has at least 10 years of service credit, as determined by the board of trustees, for which the individual was eligible to participate in the group benefits program or who has at least five years of membership and five years of military service credited in the Employees Retirement System of Texas and who retires to participate as an annuitant in the group benefits program) if the individual:

(1) was employed for at least 10 years by a school district established as specified by Section 19.002 (Establishment), Education Code, as the individual's last position of employment before retirement;

(2) has at least:

(A) 10 years of eligible service credit, including not more than five years of military service credited in the Employees Retirement System of Texas;  
or

(B) five years of eligible service credit and is the sole surviving spouse of military personnel who was killed in action; and

(3) retires under the jurisdiction of the Teacher Retirement System of Texas and:

(A) has accumulated membership service credit as provided by Section 823.201(a) (relating to crediting membership service in TRS for each year in which a member is an employee and meets certain guidelines), Government Code, in an amount so that the sum of the person's age and amount of membership service credit, including months of age and credit, equals or exceeds the number 80; or

(B) is at least 65 years of age.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2023.